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Anthony P. Curtis, Reg. No. 46,193

Name of applicant, assignee or
Registered Representative

Signature

9/7/04

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#13
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SEP 5 2004

OFFICE OF PETITIONS

Our Case No. 9281-3969

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Yasuji Hagiwara et al.

Serial No. 09/819,273

Filing Date: March 28, 2001

For: Character Input Apparatus

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Examiner: Vincent Kovalick

Group Art Unit No.: 2673

**REQUEST FOR RECONSIDERATION OF THE PATENT TERM
ADJUSTMENT UNDER 37 C.F.R. § 1.705(d)**

Mail Stop Patent Ext
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

U.S. Patent Application No. 09/819,273 has a published term adjustment under 35 U.S.C. § 154(b) of 315 days. For the reasons stated herein, reconsideration of this patent term adjustment is respectfully requested.

REMARKS

U.S. Patent Application No. 09/819,273 has a published term adjustment under 35 U.S.C. § 154(b) of 315 days. The patent term adjustment for U.S. Patent Application No. 09/819,273 is calculated as shown below. Dates are specified based

on the Patent Application Information Retrieval (PAIR) system Patent Term Adjustment History. Note that U.S. Patent Application No. 09/819,273 is not subject to a terminal disclaimer.

Period of adjustment under 37 C.F.R. § 1.703(a)

The period of adjustment under 37 C.F.R. § 1.703(a)(1) is the number of days beginning on the day after the date that is fourteen months after the date on which the application was filed under 35 U.S.C. § 111(a) and ending on the date of mailing of a Notice of Allowance 35 U.S.C. §151.

Applicants agree with the PTO calculation of the period of adjustment under 37 C.F.R. § 1.703(a)(1) of 213 days.

The period of adjustment under 37 C.F.R. § 1.703(a)(2) is the number of days beginning on the day after the date that is four months after the date a reply under 35 U.S.C. § 111(a) was filed and ending on the date of mailing of an action under 35 U.S.C. §132.

A non-final rejection was mailed on December 27, 2002. A reply was mailed by the Applicants on March 26, 2003 and received by the PTO on April 1, 2003. The four month date for response to Applicants' reply is August 1, 2003. A non-final rejection in response to Applicants' reply was mailed on November 5, 2003. The difference between the mailing date of the last non-final rejection and the 4 month date is 96 days.

Period of adjustment under 37 C.F.R. § 1.703(b)

The period of adjustment under 37 C.F.R. § 1.703(b) is the number of days in the period beginning on the day ("the 3 year date") after the date that is three years after the date on which the application was filed under 35 U.S.C. § 111(a).

Applicants do not agree with the present PTO calculation of 0 days.

The application was filed on March 28, 2001, making the 3 year date March 28, 2004. The application is projected to issue 28 weeks from the mailing of the Notice of Allowance. The Notice of Allowance was mailed on June 14, 2004. The difference between the date the Notice of Allowance was mailed and the 3 year date is 78 days. Applicants will request additional adjustment once the application issues

and a determination of the total period of adjustment under 37 C.F.R. § 1.703(b) can be discerned.

Reduction in period of adjustment under 37 C.F.R. § 1.704(b)

With respect to the grounds for adjustment set forth in 37 C.F.R. § 1.703(a)-(e), an applicant is deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods or time in excess of three months that are taken to reply to any notice or action by the Office. Any such three month period is measured from the date the notice or action was mailed to the applicant. The period of adjustment set forth in 37 C.F.R. § 1.703 shall be reduced by the number of days beginning on the day ("the 3 month date") after the date that is three months after the date of mailing of the Office communication.

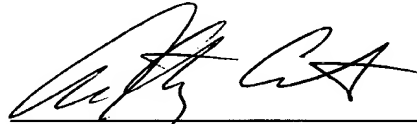
A non-final rejection was mailed on December 27, 2002. A reply was mailed by the Applicants on March 26, 2003 and received by the PTO on April 1, 2003. The difference between the mailing date of the non-final rejection and the date the PTO received Applicants reply is 5 days. Thus, in U.S. Patent Application No. 09/819,273, the reduction in period of adjustment under 37 C.F.R. § 1.704(b) should be 5 days.

Total patent term adjustment

For the present application, the total patent term adjustment under 37 C.F.R. § 1.703(f) is the period of adjustment under 37 C.F.R. § 1.703 reduced by the reduction under 37 C.F.R. § 1.704. The total adjustment is thus 213 days + 96 days + 78 days – 5 days = 382 days, rather than the 315 days calculated by the PTO.

Applicant respectfully requests reconsideration of the patent term adjustment for this patent. Office personnel are invited to contact the undersigned for the Applicant via telephone if such communication would expedite this request.

Respectfully submitted,



Anthony P. Curtis, Ph.D.
Registration No. 46,193
Agent for Applicant

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(312) 321-4200



DAW

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

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Date: 9/7/04 Name: Anthony P. Curtis, Ph.D., 46,193 Signature: [Signature]

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Yasuji Hagiwara et al.

Appln. No.: 09/819,273

Filed: March 28, 2001

For: CHARACTER INPUT APPARATUS

Attorney Docket No: 9281/3969

Examiner: Vincent Kovalick

Art Unit: 2673

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SEP 15 2004

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Commissioner for Patents
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Alexandria, VA 22313-1450

OFFICE OF PETITIONS
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Sir:

Attached is/are:

- ☒ Transmittal Cover Letter (1p. Filed in Dup.); Request for Reconsideration of the Patent Term Adjustment Under 37 C.F.R. §1.705(d)
- ☒ Return Receipt Postcard

Fee calculation:

- ☐ No additional fee is required.
- ☐ Small Entity.
- ☐ An extension fee in an amount of \$_____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).
- ☐ A petition or processing fee in an amount of \$_____ under 37 C.F.R. § 1.17(_____).
- ☐ An additional filing fee has been calculated as shown below:

| | | | | | Small Entity | | | Not a Small Entity | |
|---|----------------------------------|-------|---------------------------------|---------------|--------------|-----------|----|--------------------|-----------|
| | Claims Remaining After Amendment | | Highest No. Previously Paid For | Present Extra | Rate | Add'l Fee | or | Rate | Add'l Fee |
| Total | | Minus | | | x \$9= | | | x \$18= | |
| Indep. | | Minus | | | x 43= | | | x \$86= | |
| First Presentation of Multiple Dep. Claim | | | | | +\$145= | | | +\$290= | |
| | | | | | Total | \$ | | Total | \$ |

Fee payment:

- ☐ A check in the amount of \$_____ is enclosed.
- ☐ Please charge Deposit Account No. 23-1925 in the amount of \$_____. A copy of this Transmittal is enclosed for this purpose.
- ☐ Payment by credit card in the amount of \$_____ (Form PTO-2038 is attached).
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

[Signature]
Anthony P. Curtis, Ph.D. (Reg. No. 46,193)

9/7/04
Date